



General Assembly

February Session, 2002

**Amendment**

LCO No. 4985

\*HB0552104985HD0\*

Offered by:

REP. GREEN, 1<sup>st</sup> Dist.  
REP. HYSLOP, 39<sup>th</sup> Dist.  
REP. DIAMANTIS, 79<sup>th</sup> Dist.  
REP. RACZKA, 100<sup>th</sup> Dist.  
REP. REINOSO, 130<sup>th</sup> Dist.  
REP. SPALLONE, 36<sup>th</sup> Dist.  
REP. HAMM, 34<sup>th</sup> Dist.  
REP. CURREY, 10<sup>th</sup> Dist.  
REP. O'CONNOR, 35<sup>th</sup> Dist.  
REP. PAWELKIEWICZ, 49<sup>th</sup> Dist.  
REP. ABRAMS, 83<sup>rd</sup> Dist.  
REP. MURPHY, 81<sup>st</sup> Dist.

REP. DILLON, 92<sup>nd</sup> Dist.  
REP. GONZALEZ, 3<sup>rd</sup> Dist.  
REP. CARTER, 7<sup>th</sup> Dist.  
REP. SHARKEY, 103<sup>rd</sup> Dist.  
REP. STONE, 9<sup>th</sup> Dist.  
REP. DONOVAN, 84<sup>th</sup> Dist.  
REP. DEMARINIS, 40<sup>th</sup> Dist.  
REP. GERRATANA, 23<sup>rd</sup> Dist.  
REP. CARUSO, 126<sup>th</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.  
REP. WILLIS, 64<sup>th</sup> Dist.  
REP. WALKER, 93<sup>rd</sup> Dist.

To: House Bill No. 5521

File No. 408

Cal. No. 246

(As Amended)

**"AN ACT CONCERNING SEARCH WARRANTS."**

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- 1       Strike section 8 in its entirety and insert the following in lieu thereof:
- 2       "Sec. 8. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
- 3       2004) (a) Whenever a subpoena is issued pursuant to sections 2 to 13,
- 4       inclusive, of this act, the prosecuting official shall, not later than forty-
- 5       eight hours after service of the subpoena, excluding weekends and

6 holidays, give written notice of the issuance of the subpoena to the  
7 presiding judge for criminal matters in the courthouse where  
8 compliance with the subpoena is required. Such notice shall include  
9 the identity of the person and, if the production of property is  
10 compelled, a description of the property. Such notice shall be  
11 confidential and not subject to disclosure. Such presiding judge shall  
12 assign a judge of the Superior Court to preside over the proceeding.  
13 The assignment of such judge shall be confidential and not subject to  
14 disclosure. The proceeding shall not be open to the public and  
15 attendance at the proceeding shall be limited to the judge, the court  
16 clerk, a court reporter, judicial marshals, the prosecuting official, the  
17 witness and counsel for the witness.

18 (b) Prior to any witness being questioned, the court shall advise  
19 such person on the record of the following: (1) The purpose of the  
20 investigation, (2) whether such person is a target or possible target of  
21 the investigation, (3) that such person has the right not to be compelled  
22 to give evidence against himself or herself, (4) that such person has the  
23 right to have counsel present and to consult with such counsel and, if  
24 such person is indigent, to have counsel appointed to represent him or  
25 her, (5) the procedures for obtaining such appointed counsel, and (6)  
26 that such person has the right to file a motion to quash or modify the  
27 subpoena. Upon the appointment of such counsel by the court, the  
28 court shall grant a reasonable continuance of not less than ten days,  
29 excluding weekends and holidays, for the witness to confer with such  
30 counsel. The presiding judge shall assure that such rights are not  
31 infringed.

32 (c) A court reporter or assistant court reporter shall make a record of  
33 the proceeding. The record of the proceeding shall be sealed and not  
34 subject to disclosure, except that any witness who appeared and  
35 testified shall be allowed access, at all reasonable times, to the record  
36 of such witness' own testimony and shall have the right to receive a  
37 copy of the transcript of the record of such testimony."